

ESTTA Tracking number: **ESTTA192626**

Filing date: **02/14/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181035
Party	Defendant Koury, Tiffany C.
Correspondence Address	KATHY LANE NEWMAN & DICHTER 1001 FOURTH AVENUE PLAZA, SUITE 2560 SEATTLE, WA 98112 UNITED STATES tiffkoury@tiffanykoury.com
Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	02/14/2008
Attachments	Kourystipulation.pdf (1 page)(677450 bytes) Kouryanswer2.pdf (5 pages)(158960 bytes) KOURY CERSERV.pdf (1 page)(10744 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/912,427
Published in the Official Gazette (Trademarks) on September 4, 2007

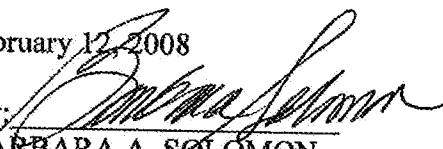
TIFFANY (NJ) INC. Opposer, v. TIFFANY C. KOURY, Applicant.	Opposition No. 91181035 Mark: TIFFANY KOURY
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Commissioner For Trademarks
PO Box 1451
Alexandria, VA 22313-1451

STIPULATION

It is hereby stipulated and agreed by and between the parties by their respective attorneys that Applicant may file the attached "First Amended Answer" which is intended to correct non-substantive issues only. The filing of this First Amended Answer does not affect any deadlines or schedules in this case.

Dated: February 12, 2008

By: 
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APPLICANT'S FIRST AMENDED ANSWER TO NOTICE OF OPPOSITION

Applicant, Tiffany C. Koury, hereby files this Answer in response to the Notice of Opposition filed by Tiffany (NJ) Inc. with the Trademark Trial and Appeal Board, and dated December 12, 2007. Tiffany C. Koury answers the Notice of Opposition ("Opposition") as follows:

1. In answer to the averments of Paragraph 1 (each hereinafter referred to as a "Paragraph") of the Opposition, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 1, and based thereon denies all averments of Paragraph 1.

2. In answer to the averments of Paragraph 2, Tiffany C. Koury is without

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knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 2, and based thereon denies all averments Paragraph 2.

3. In answer to the averments of Paragraph 3, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 3, and based thereon denies all averments Paragraph 3.

4. In answer to the averments of Paragraph 4, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 4, and based thereon denies all averments Paragraph 4.

5. In answer to the averments of Paragraph 5, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 5, and based thereon denies all averments Paragraph 5.

6. In answer to the averments of Paragraph 6, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 6, and based thereon denies all averments Paragraph 6.

7. The averments of Paragraph 7 are denied.

8. In answer to the averments of Paragraph 8, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 8, and based thereon denies all averments Paragraph 8.

9. In answer to the averments of Paragraph 9, Tiffany C. Koury is without knowledge or information sufficient to form a belief as to the truth of the averments of Paragraph 9, and based thereon denies all averments Paragraph 9.

10. The averments of Paragraph 10 are denied.

11. The averments of Paragraph 11 are admitted.
12. The averments of Paragraph 12 are admitted.
13. The averments of Paragraph 13 are denied.
14. The averments of Paragraph 14 are denied.
15. The averments of Paragraph 15 are denied.
16. The averments of Paragraph 16 are denied.
17. The averments of Paragraph 17 are denied.
18. The averments of Paragraph 18 are denied.
19. The averments of Paragraph 19 are denied.
20. The averments of Paragraph 20 are denied.
21. The averments of Paragraph 21 are denied.

AFFIRMATIVE DEFENSES

In further answer to the Opposition, Tiffany C. Koury asserts the following affirmative defenses:

Tiffany is Applicant's Name

22. "Tiffany" is a common and frequently used name for women and girls. In fact, it is applicant's own name.

23. The name "Tiffany" is not unusual or invented by Opposer. The name "Tiffany" is not exclusively associated with Opposer. In fact, the name "Tiffany" is associated with Applicant and every other woman in the world who bears the name.

24. Applicant merely seeks to trademark her own name to be used as a label upon her couture fashion line. Indeed, the full name "Tiffany Koury" is associated with couture fashion.

Opposer does not market, produce or sell couture fashion for women.

25. Applicant should thus be entitled to use her own name as a trademark on her line of couture fashion; not unlike Ralph Lauren, Donna Karen or Vera Wang.

Acquiescence and Estoppel

26. Opposer has acquiesced in Tiffany Koury's and others' use of the name "Tiffany".

27. Opposer should be equitably estopped from asserting trademark or service mark rights in the term "Tiffany" with respect to Tiffany Koury and any couture fashion products or services. Indeed, the word "Tiffany" is utilized in many registered trademarks that are for goods and services dissimilar to Opposer. Consequently, the term "Tiffany" is part of a crowded field and not all marks utilizing the word "Tiffany" are opposed by opposer. Accordingly, Opposer is engaging in selective enforcement of its own mark and/or is not sufficiently diligent in protection of its mark.

No Likelihood of Confusion

28. There is no likelihood of confusion between the origin of Opposers' products and services and the products and services of Tiffany C. Koury.

29. Opposer has registered the "Tiffany & Co" mark and family of marks with respect to jewelry, collectibles, china, silverware. Tiffany C. Koury seeks to register the "TIFFANY KOURY" mark with respect to couture clothing.

30. Because the products and services of Tiffany C. Koury and Opposer are dissimilar, there is no likelihood that consumers would believe that Opposer's are associated in any way with Tiffany C. Koury or Tiffany C. Koury's products or services. Nor is there any

likelihood that consumers would believe that Opposer endorses Tiffany C. Koury or any of her products or services. Indeed, it is more likely that consumers will likely believe that the “Tiffany Koury” mark is the name of the designer of the couture fashion and not related to Opposer.

31. The products and services of Tiffany C. Koury and Opposer are marketed through different and distinct marketing channels. Opposer’s products are primarily marketed through its own retail stores and direct mail catalogues. Tiffany C. Koury’s products and services, on the other hand, are marketed through trunk shows and private fashion events. Because there is no overlap of marketing channels, there is no likelihood of confusion with respect to Tiffany C. Koury and its relationship to Opposer or with respect to any Tiffany C. Koury products or services.

RELIEF REQUESTED

32. Tiffany C. Koury respectfully requests that Opposer’s opposition be dismissed and that Tiffany C. Koury’s registration issue forthwith.

Dated this 14th day of February, 2008.

Respectfully Submitted,

NEWMAN DICTER, LLP
ATTORNEYS AT LAW

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CERTIFICATE OF SERVICE

Thereby certify that I have caused a copy of the foregoing NOTICE OF OPPOSITION to be sent by prepaid first class mail on this 14 day of February 2008 to Opposer's correspondent of record:

BARBARA A. SOLOMON
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017
212 813-5900

Express Mail mailing label number _____

Kathy Lane